

REMARKS

By this amendment, claims 1, 3-7, and 11 are amended, and claims 2 and 8-10 are cancelled. Claim 13 previously was withdrawn from consideration. Claims 14-16 are added. Claims 1, 3-7, and 11-16 are currently pending in the application.

Notice of Allowed Claims in Corresponding Application

This application's Chinese counterpart application ZL 200480033069.9 recently was granted as a patent. The above claim amendments bring the claims of this U.S. application into substantial conformity with the allowed claims of the corresponding Chinese application.

Objection to the Disclosure

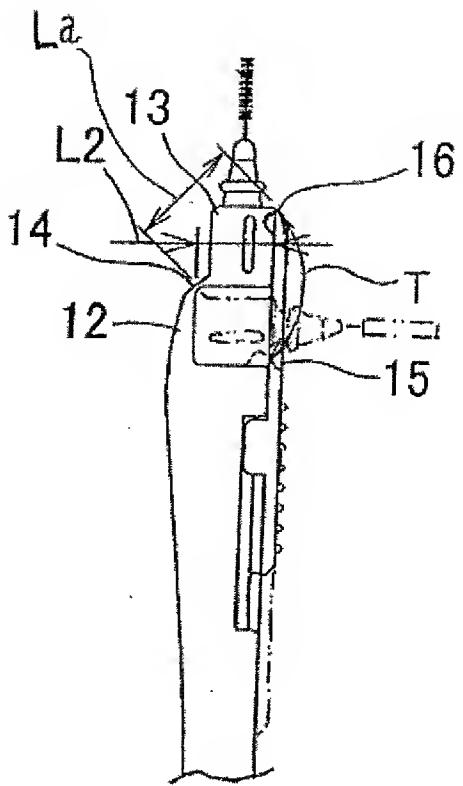
The disclosure stands objected to for informalities identified in paragraph 3 of the Office Action. The above Amendments to the Specification correct those informalities. No new matter is added by the Amendments to the Specification.

Claim Rejections – 35 U.S.C. § 112

Claims 6 and 7 have been amended to depend from claim 4, thereby providing proper antecedent basis for the cap.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, 4, 8, 11, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by WO 94/21152 ('152). Claims 1 and 11 are amended to recite that a *lower* portion of one side of the brush support is hingedly connected to one end of an arm, and an *upper* portion of another side of the brush support is hingedly connected to an operating portion. With reference to the annotated portion of Fig. 1(a) below, the claimed configuration positions the two hinge connections 14, 16 diagonally across from one another relative to the brush support 13. As a result, the diagonal length La between the first hinge 14 (the hinge between arm 12 and brush support 13) and the second hinge 16 (the hinge between operating portion 15 and brush support 13) is greater than the lateral length L2 representative of the width of the brush support 13.



As a result, when switching the position of the brush support 13 by sliding the operating portion 15, the second hinge 16 travels along arcuate path T, which causes the operating portion 15 to bend away from the brush handle (e.g., to the right in annotated Fig. 1(a)). Bending of the operating portion in this manner increases resistance to the sliding movement and operates as a detent mechanism for maintaining the brush support in either the solid-line operating position (e.g. brush member aligned with the handle axis) or the dashed-line operating position (e.g. brush member perpendicular to the handle axis). In this way, movement of the brush support from one operating position to the other is resisted by the inherent resiliency in the operating portion such that the user is not required to maintain pressure on the operating portion 15 while using the device to clean his or her teeth.

‘152 does not teach or suggest an interdental brush configured in the manner claimed in claims 1 and 11. Among other things, hinges 126, 128 are not located on respective upper and lower portions of the brush support 122 as claimed in claims 1 and 11. As a result, the brush structure provides no resistance to movement away from any of the positions shown in Figs. 1-3, 21-23, or 26 of ‘152. Thus, if a user’s hand slips during use such that the handle portions 18, 20

move relative to one another, the angle of the brush 14 will unexpectedly change, making use more difficult. In the claimed configuration, the user is not required to apply pressure or otherwise maintain handle portions in a specific alignment to prevent relative movement between the handle and the brush, the claimed structure of the brush support, arm, and operating portion accomplishes this task.

For these and other reasons, Applicants respectfully submit that claims 1 and 11 are allowable. Claims 2, 4, 8, and 12 each ultimately depend from at least one of claims 1 and 11 and are therefore allowable for the reasons discussed above with respect to claims 1 and 11, as well as other reasons.

Claim Rejections – 35 U.S.C. § 103

Claims 3 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ‘152 for the reasons provided in the written opinion of the corresponding PCT application. Claim 3 has been amended to clarify that the mechanism recited therein is “formed on the handle” and as such is separate from the structure described in claim 1. Furthermore, the rejection of claims 3 and 5 set forth in the PCT written opinion is merely a statement that the claimed subject matter would have been within the capabilities of one of ordinary skill in the art. Such statements are insufficient to support an obviousness rejection under 35 U.S.C. §103. (See MPEP 2143.01 IV). Finally, claims 3 and 5 each ultimately depend from claim 1, and are therefore allowable for the reasons discussed above with respect to claim 1, as well as other reasons.

Claims 6, 7, 9, and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over ‘152 in view of JP 2000-23749. Claims 6, 7, 9, and 10 each ultimately depend from claim 1 and are therefore allowable for the reasons discussed above with respect to claim 1, as well as other reasons.

CONCLUSION

Applicants respectfully submit that the above amendments and remarks place the application in condition for allowance. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,



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